RECORD AND BRIEFS

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No. 15-1194

In the Supreme Court of the United States

LESTER GERARD PACKINGHAM,
Petitioner,

v.

STATE OF NORTH CAROLINA,
Respondent.

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF NORTH CAROLINA

BRIEF FOR STOP CHILD PREDATORS AND SHARED HOPE INTERNATIONAL AS AMICI CURIAE IN SUPPORT OF RESPONDENT

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INTEREST OF AMICI CURIAE[1]

Stop Child Predators ("SCP") is a non-profit organization established in 2005 to combat the sexual exploitation of children. SCP works with lawmakers and law-enforcement agencies to design public-policy measures to prevent child sex abuse. SCP also seeks to raise awareness regarding children's vulnerabilities online, and to educate parents and communities about best practices for protecting child privacy and preventing online abuse.

Shared Hope International ("Shared Hope") is a non-profit organization established in 1998 to assist the victims of sex trafficking worldwide. Every year, Shared Hope provides housing, medical care, and vocational training to hundreds of sex-trafficking victims in the United States, Jamaica, Nepal, and India. Shared Hope also provides policymakers with data-driven research on sex trafficking so that they can make informed decisions in the effort to curb sex trafficking and heal its victims. Shared Hope recently filed an amicus brief in this Court in another case implicating its mission to combat sex trafficking. *See* Brief for Amici Curiae in Support of Petitioner, *Doe v. Backpage.com, LLC*, No. 16-276 (Sept. 29, 2016).

SCP and Shared Hope can offer this Court a unique perspective on the North Carolina statute at issue, N.C. Gen. Stat. § 14-202.5 ("Section 202.5"), by placing the social-networking restriction in its proper context.

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[1] The parties have given blanket consent to the filing of amicus curiae briefs in support of either or neither party. No counsel for a party authored this brief in whole or in part; and no one other than amici or their members made a monetary contribution intended to fund the preparation or submission of this brief.

Research and experience support North Carolina's efforts to target social-networking sites and registered sex offenders, in particular, as part of its broader effort to stop the sexual exploitation of children before it starts. Online social-networking platforms are important vehicles for recruiting child sex-trafficking victims and for the sexual victimization of children more generally. And previously convicted and registered sex offenders are the most identifiable and likely class to target children online. This Court should uphold North Carolina's tailored effort to keep convicted sex offenders away from social-networking platforms where children are most vulnerable.

INTRODUCTION AND SUMMARY OF ARGUMENT

Child sex abuse and trafficking is a multi-faceted problem calling for innovative policy approaches that combat and deter the abuse of children before it occurs. Research has shown that online social-networking platforms have become important conduits for the sexual victimization of children. North Carolina has responded to that problem by enacting a social-networking restriction that keeps the most likely offenders (*i.e.*, previously convicted and registered sex offenders) away from their potential victims in the forums where they are most vulnerable. The North Carolina law, and others like it, are an important part of the larger effort to deter sex offenders and protect children before they become victims.

Section 202.5 places restrictions on convicted sex offenders' ability to access a certain class of websites: commercial social-networking websites that permit children to use them. Petitioner does not dispute that this statute is intended to work in conjunction with

other laws designed to deter and combat the sexual abuse of children, and that combating child sex abuse is the most compelling of interests. Petitioner instead argues that Section 202.5 is not narrowly tailored to serve that interest. But North Carolina specifically targeted social networking sites and registered sex offenders for very good reasons that are backed by research, data, and the stories of countless victimized children.

To be clear, amici do not suggest that children are unsafe on social-networking sites; that children are safe if they stay away from social-networking sites; that all sex offenders use social-networking sites to recruit children; or that the North Carolina statute is going to rid the State of such horrific crimes. Rather, the purpose of this brief is three-fold: First, to explain how social-networking sites work and why they appeal to sex offenders and present a special danger for children. Second, to document the very real problem of online recruiting, grooming, and targeting that Section 202.5 was designed to address. And, third, to explain why restricting a registered sex offender's use of commercial social-networking platforms is a narrowly tailored way to accomplish the compelling goal of protecting children online.

ARGUMENT

I. SECTION 202.5 GUARDS CHILDREN'S PRIVACY ON THE PLATFORMS WHERE THEIR PERSONAL INFORMATION IS MOST READILY AVAILABLE

A. Social-Networking Platforms Offer Windows Into Their Users' Personal Lives

Users of Facebook, Twitter, and other popular

commercial social-networking platforms share personal information with their family, friends, and complete strangers. Information-sharing, on the one hand, and information-gathering, on the other, are both central to the business models of social-networking sites and to those sites' user experience.

Take the simple example of Facebook photo-sharing: when Sara posts a photo of her friends Rachel and Jane, she has the option of "tagging" both Rachel and Jane so that the photo shows up on the personal profiles of those other users. Anyone who can access the personal profiles of either Rachel, Jane, or Sara now has access to the photo, and may be able to comment on it in a running comment stream that appears simultaneously on each user's profile. Depending on the user privacy settings, the photo may be visible to their friends, to friends of their friends, or to the broader public.

The photo's posting generates information in three ways. First, and most obviously, it broadcasts photographic information about Sara and her friends, Rachel and Jane. Second, anyone with access to the photo can add information through comments and responses. Third, the posting and tagging of the photo—especially when it generates positive comments and "likes"—may induce Sara, Rachel, and Jane to post more photos and otherwise interact more on the site. *See* Moira Burke et al., *Feed Me: Motivating Newcomer Contribution in Social Networking Sites*, *in* Proceedings of the SIGCHI Conference on Human Factors in Computing Systems 945, 953 (2009).

The primary use of social-networking platforms for many, however, is not to share information. It is to passively observe the lives of friends, acquaintances,

and strangers. Among people with Instagram (photo-sharing) accounts, for example, fewer than half report actually posting any photos on a regular basis. *See* GlobalWebIndex, *Passive Facebooking: GWI Trends Q1 2015* at 3 (2015). The proportion of passive users on various social-networking platforms—including Facebook, Tumblr, Pinterest, Twitter, and Myspace—is roughly consistent across platforms. *Id.*

From a user's point of view, what distinguishes social-networking platforms from other kinds of websites is their capacity for this kind of passive use. Internet users have long had the ability to maintain personal blogs and to share information with large numbers of friends and family through email and other messaging services. But social-networking platforms permit their users to obtain—with little effort and all at once—a detailed and extensive look into the lives of many other users, even those who are not "friends." Indeed, it is not uncommon for social-media users to spend the better part of a day browsing through the announcements, photos, and comments of others. *See* Maria Konnikova, *How Facebook Makes Us Unhappy*, New Yorker (Sept. 10, 2013), http://bit.ly/XNbjOO. Colloquially known as "stalking" or "creeping," this behavior is a widely acknowledged and accepted feature of social-media use. *See* Danah Boyd, *It's Complicated: The Social Lives of Networked Teens* 13 (2014); Emma Golden, *Internet Stalking 101: The Dos and Don'ts of Internet Creeping*, Thought Catalog (Feb. 20, 2014), http://tcat.tc/1WkXKmF.

B. Children Are Avid And Vulnerable Users Of Social-Networking Platforms

1. The Social Lives Of Teens Often Revolve Around Social-Networking Platforms

In the United States today, most teenagers' social lives revolve around online social-networking platforms, accessible at all hours and on numerous devices.

A recent Pew study showed that eight in ten American teens use at least one social-networking site, and that such use is widespread among children across socioeconomic, gender, and racial lines. *See* Pew Research Center, *Teens, Social Media, and Privacy* 19-21 (2013), http://pewrsr.ch/1A8kvvy ("2013 Pew Research Study").[2] On these sites, teens share more information about themselves—and a greater variety of information (*e.g.*, pictures, text messages, videos, etc.)—than ever before. *See id.* at 3. They usually share across multiple platforms. *See* Pew Research Center, *Teens, Social Media & Technology Overview 2015: Smartphones facilitate shifts in communication landscape for teens* 3 (2015), http://pewrsr.ch/1JuUZFg (71 percent of teens use more than one social-networking site). And they are online "almost constantly" throughout the day. *Id.* at 2.

Social-networking platforms have replaced malls and parks as the place where teens gather. They use

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[2] All of the "teen" research cited in this brief examined samples of children aged 17 or younger. *See, e.g.*, 2013 Pew Research Study at 80; Pew Research Center, *Teens, Social Media & Technology Overview 2015: Smartphones facilitate shifts in communication landscape for teens* 41 (2015), http://pewrsr.ch/1JuUZFg.

social-networking sites to form and manage independent identities and relationships with their peers. As a leading scholar on teens' use of social media explained, social-networking sites "are in many cases the only 'public' spaces in which teens can easily congregate with large groups of their peers. More significantly, teens can gather in them while still physically stuck at home." Boyd, *supra*, at 21.

And teens have a particular preference for social-networking platforms that their parents have not joined. *See id.* at 59. There are reports that Facebook, which has a broad user base among adults, has had trouble keeping younger users engaged with the site as teens have migrated to "trendier" platforms (*e.g.*, Instagram and Snapchat) that are free from the watchful profiles of their parents. *Id.*; Sharon Gaudin, *Facebook is leaking valuable younger users*, Computerworld (Oct. 18, 2016), http://bit.ly/2dMwYzq. That online distance from the eyes of parents gives teens an equal measure of independence and vulnerability: surveys of youth internet use have measured an uptick in online harassment and peer-to-peer cyberbullying enabled in part by social-networking platforms. *See* Lisa M. Jones et al., *Trends in Youth Internet Victimization: Findings From Three Youth Internet Safety Surveys 2000-2010*, 50 J. Adolescent Health 179, 184 (2012).

2. Teens Have Trouble Keeping Their Online Interactions Private

Despite their desire to avoid parental intrusions into their social-networking spaces, many teens evince a troubling lack of concern for the privacy of the personal information they post online. Sixty percent of teen social-media users told the 2013 Pew surveyors

that they are "not too" concerned or "not at all" concerned about third-party access to the information they post on social-networking sites. 2013 Pew Research Study at 10. And many teens choose to share highly personal information on their social-media profiles. Twenty-three percent of Facebook users aged 14 to 17 post their cellphone numbers on their Facebook accounts. *Id.* at 4. Sixteen percent set up their social-media posts to automatically include their physical location. *Id.* at 34. Nineteen percent report having posted an update, comment, photo, or video that they later regretted sharing. *Id.* at 65.

Even children who seek to maintain online privacy and restrict their universe of social-networking contacts have trouble doing so. "More often than not, what people put up online using social media is widely accessible because most systems are designed such that sharing with broader or public audiences is the default." Boyd, *supra*, at 12. "Because of this public-by-default framework, most teens won't bother to limit the audience who can see what they consider to be mundane conversations on Facebook." *Id.* at 62.

According to the 2013 Pew study, the majority of teen Twitter users broadcast their tweets on a "public" basis. 2013 Pew Research Study at 5. And 39 percent of teen Facebook users maintain public or only semi-private profiles. *Id.* at 7. Even when users adopt privacy settings that restrict the audience for their social-media postings, other users can (and do) circumvent those settings—and information about how to do so is widely available. *See, e.g.*, Candice Jalili, *4 Legit Ways to Stalk Someone on Facebook Without Looking Like a Total Creep*, EliteDaily (June 9, 2016), http://elitedai.ly/1UsRiTS. The problem is

compounded by teens' powerlessness over the things others say or post about them online. *See* Boyd, *supra*, at 49-51. In sum, "teens cannot easily control the flow of information on social media." *Id.* at 61.

3. Teens Are Subjected To Sexual Solicitation And Harassment On Social-Networking Platforms

In this social media environment, the online solicitation and harassment of teens by strangers has become a real problem. In 2013, 24 percent of girls and 10 percent of boys—17 percent of all youth social-media users—reported having been contacted via social-networking sites by a stranger in a way that made them feel scared or uncomfortable. *See* 2013 Pew Research Study at 78. Those figures are consistent with the results of a 2006 study reporting that one in seven children had received unwanted sexual solicitations online and that one in eleven children had been subjected to some other form of harassment. *See* Janis Wolak et al., National Center for Missing & Exploited Children, *Online Victimization of Youth: Five Years Later* 1, 17 (2006), http://bit.ly/1nfeJDh.[3]

Many teens never report these acts of solicitation and harassment to their parents or to the authorities. According to one study, approximately 47 percent of teens who receive unwanted sexual solicitations online

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[3] Although the 2006 study examined online solicitation and harassment in a variety of internet venues, such behavior had already started to migrate to social media by that time. *See* Kenneth V. Lanning, National Center for Missing & Exploited Children, *Child Molesters: A Behavioral Analysis* 130 (5th ed. 2010), http://bit.ly/MtDkWe (noting a major shift between 2000 and 2006 from acts of solicitation initiated in internet chat rooms to acts of solicitation initiated on social-networking platforms).

tell no one. *See* Gisela Priebe et al., *To tell or not to tell? Youth's responses to unwanted Internet experiences*, 7 Cyberpsychology: Journal of Psychosocial Research on Cyberspace at Table 1 (2013), http://bit.ly/2jSTkSw. Among the teen respondents who told researchers that they had failed to notify anyone of unwanted solicitations, the most common explanation was that the solicitations were "[n]ot serious enough" or "[h]appen[ed] all the time." *Id.*

II. SOCIAL-NETWORKING PLATFORMS ARE KEY TOOLS FOR SEX TRAFFICKERS AND OTHER SEX OFFENDERS

A. Sex Traffickers Use Social-Networking Platforms To Identify And "Groom" Children For Prostitution

For years, social-networking platforms have served as key venues for the recruitment of children into the sex trade. The Justice Department's 2016 National Child Exploitation Threat Assessment recognized that sex-trafficking offenders "are using social networking sites as a tool to identify and recruit underage victims," and described social-networking sites—alongside schools, strip clubs, and casinos—as among "[t]he most common physical and online venues used to recruit child victims." U.S. Dep't of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress* 76-77 (2016), http://bit.ly/1MNIquU ("2016 DOJ Report").

Independent research on modern sex-trafficking has likewise observed a "pattern[]" among child sex-traffickers of using "social networking sites . . . in the recruitment of victims." Mark Latonero, Univ. of

S. California, *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds* 18 (2011), http://bit.ly/2iGT9fw. In addition to recruitment, traffickers also increasingly use these sites "to advertise victims for the purposes of prostitution. As escort and social networking websites have grown in number, they have . . . become the most popular platform to advertise sex trafficking victims." 2016 DOJ Report at 77.

Pimps "search[] Facebook for attractive young girls, and sen[d] them messages telling them they [a]re pretty and asking if they would like to make some money." Erica Fink & Laurie Segall, *Pimps Hit Social Networks to Recruit Underage Sex Workers*, CNN Money (Feb. 27, 2013), http://cnnmon.ie/2iBQrEN. These efforts are often conducted on a mass scale, ensnaring hundreds of innocent victims. For example:

- Between 2011 and 2013, a multiagency task force in the Southern District of California uncovered a racketeering operation involving nearly 40 gang members and associates who prostituted "vulnerable juvenile females who were runaways or from broken homes. Pimps . . . conducted extensive online recruitment via various social networking websites, including MySpace, Facebook, and Twitter." 2016 DOJ Report at 43.

- A recent federal prosecution in the Eastern District of Virginia involved a child-sex-trafficker who had amassed a collection of fake Facebook accounts

> that he used to target vulnerable teens. On just one of those accounts, FBI agents found over 800 messages to targeted girls. Fink & Segall, supra.

Traffickers use "the scale and popularity of online [social-networking] services to essentially hide in plain sight." Alex Whiting, *How traffickers use social media to lure vulnerable teenagers into sex work*, Venturebeat (Nov. 15, 2015), http://bit.ly/1HU4WKA (quoting Mark Latonero, director of the University of Southern California's Technology and Human Trafficking Initiative).

B. Other Sex Offenders Similarly Gather Personal Information And Target Children Through Social-Networking Platforms

Sex offenders routinely use social-networking platforms to victimize children in other ways too. One increasingly prominent method of victimization is the "sextortion" scheme, whereby an online stranger convinces a child to transmit sexually explicit images of herself or himself, then threatens to release those images to friends and family unless the child continues posing for the abuser. *See generally* Benjamin Wittes et al., *Sextortion: Cybersecurity, teenagers, and remote sexual assault*, Center for Technology Innovation at Brookings (2016), http://brook.gs/2iHlIcy. The abuser also often coerces the victim into participating in livestreamed, sexually explicit video sessions that can be broadcast around the world. *See* 2016 DOJ Report at 75. As the Justice Department's 2016 report on child exploitation notes, "the exponential rise in the use of web cameras and camera-enabled mobile devices has ... resulted in an

observable increase in child sexual exploitation via real-time online streaming live video." *Id.*

Sextortion schemes often begin with enticement through social-networking platforms, where "offenders . . . specifically seek[] out those children they consider[] easy targets because of their demonstrated willingness to post personal content online and engage in live-streaming video activity, whether the content [is] sexually explicit or not." *Id.* at 76. Frequently the abuser will exploit his victim using the same platform on which he makes initial contact. *See id.* at 143. The Brookings Institution estimates that social-media manipulation is a factor in 91 percent of sextortion cases involving minor victims. *See* Wittes et al., *supra*, at 12.

The ease and efficiency with which abusers can exploit children in this fashion means that "[s]extortion cases tend to have more minor victims per offender than all other child sexual exploitation offenses. Unfortunately, it is . . . common for investigations to reveal that a single sextortion offender has been communicating with hundreds of potential victims." 2016 DOJ Report at 75.

A case in point is that of Lucas Michael Chansler, who between 2007 and 2010 abused nearly 350 young girls via social media. *See* Wittes et al., *supra*, at 18. Chansler, pretending to be a teenage boy, would contact his victims via social-networking sites, then ask to video-chat with the girls. Displaying video of a naked boy to hide his identity, Chansler would ask his victims to strip for him while he recorded the video conversations. Chansler would then threaten to release the recordings to the victim's parents or friends unless the victim agreed to supply more explicit videos.

Chansler told the FBI that he targeted young girls because they were most likely to comply with his demands. *Id.* at 19.

Prosecutions for the sexual solicitation and harassment of minors via social-networking platforms are now the daily fare of federal and state criminal dockets around the country. Even a cursory glance at press releases from the first few days of 2017 illustrates just how commonplace these crimes have become:

- In Maryland, a 30-year-old man posed as an 18-year-old and lured a 16-year-old girl on Facebook into an online relationship. The two regularly chatted on Facebook Messenger. The man eventually convinced the victim to send him nude photos of herself. After the victim blocked him on Facebook, the abuser opened several Facebook profiles in the victim's name, "friended" the victim's friends, and sent them the nude photos. *See* U.S. Attorney's Office, District of Maryland, *Cockeysville Man Facing Federal Charges for Production and Distribution of Child Pornography in Sextortion Case* (Jan. 10, 2017), http://bit.ly/2iCcGKB.

- On the same day that the defendant in the above case appeared in court, a judge in the same judicial district was sentencing a 27-year-old man who prostituted a 15-year-old girl he found on Instagram. *See* U.S. Attorney's

Office, District of Maryland, *Prince George's County Pimp Sentenced to Over 14 Years in Federal Prison for Prostituting 15-Year-Old Child First Contacted Through the Internet* (Jan. 9, 2017), http://bit.ly/2k4UjTT.

- And, in Florida, a 34-year-old registered sex offender was sentenced for sharing child pornography and soliciting young girls on a social-networking site. *See* U.S. Attorney's Office, Middle District of Florida, *Registered Sex Offender Sentenced to More Than 19 Years for Second Offense Involving the Sexual Abuse of Minors* (Jan. 3, 2017), http://bit.ly/2iJWCGL.

III. SECTION 202.5 IS NARROWLY TAILORED TO FIT NORTH CAROLINA'S COMPELLING INTEREST IN PREVENTING CHILD SEX ABUSE ON SOCIAL-NETWORKING PLATFORMS

The research, data, and real-world examples detailed above amply explain why North Carolina targeted commercial social-networking sites in particular and why keeping sex offenders off social-networking platforms would directly address North Carolina's undisputed and indisputably compelling interest in protecting children from sexual exploitation. There are also good reasons why North Carolina chose to focus its social-networking restriction on registered sex offenders, and why many of the purportedly less restrictive alternatives proposed by Petitioner are also

less effective.

A. Registered Sex Offenders Are An Easily Identifiable Class With A Proven Tendency To Reoffend

This Court has previously recognized that "[s]ex offenders are a serious threat in this Nation." *McKune v. Lile*, 536 U.S. 24, 32 (2002). And it has specifically noted "grave concerns over the high rate of recidivism among convicted sex offenders and their dangerousness as a class." *Smith v. Doe*, 538 U.S. 84, 103 (2003). As this Court explained, "[w]hen convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault." 536 U.S. at 33.

In the years since *McKune* and *Smith*, those statistics have not meaningfully changed: convicted sex offenders today are four times more likely than persons convicted of non-sex offenses to be rearrested for sex crimes. *See* U.S. Dep't of Justice, *Sex Offender Management Assessment and Planning Initiative* 93 (2014), http://bit.ly/2j3qh1c. The risk of recidivism posed by sex offenders remains "frightening and high." *Smith*, 538 U.S. at 103 (quoting *McKune*, 536 U.S. at 34). And numerous studies have found significant rates of "crossover offending." *See* Resp. Br. 41. For example, "rapists often sexually assault children and incest offenders often sexually assault children both within and outside their family." U.S. Dep't of Justice, *Sex Offender Management Assessment and Planning Initiative* 61.

Faced with these statistics, North Carolina decided to focus its efforts on a class of individuals that had already proven to be a threat and that had a demonstrable risk of reoffending: previously convicted

and registered sex offenders. In North Carolina, this class includes child sex traffickers and sextortionists. *See* N.C. Gen. Stat. §§ 14-208.6(4)-(5), 14-208.7(a). The risk that these offenders will access the online personalities of children through social-networking platforms and use those platforms to sexually exploit children is quite real. And limiting social-networking access for a class of persons who pose a heightened statistical risk of abusing the information generated on those platforms is both reasonable and compelling.

B. Many Of Petitioner's Proposed "Less Restrictive Alternatives" Are Also Less Effective

Many of Petitioner's proposed "less restrictive alternatives" would also be considerably less effective in combatting the sexual exploitation of children online. Several are not "alternatives" at all—they are criminal laws that already exist and that have proven insufficient, standing alone, to redress the serious and multi-faceted problem of child sex abuse. Others ignore the practical (and proven) reality that placing the burden on children and their parents to self-protect from sex offenders lurking online is a dangerously incomplete answer.

Section 202.5 (and laws like it) do not stand alone. They are instead critical parts of the larger effort to stop the sexual abuse of children before it happens. So when Petitioner says that North Carolina should have passed a law targeting only the malicious conduct itself (*e.g.*, "criminalizing the gathering of information on social networking sites . . . for the purpose of targeting minors," Pet. Br. 48), he misses the point: such laws exist and yet our children remain at risk.

Take anti-solicitation statutes as an example.

Several states, including North Carolina, already prohibit the solicitation of minors online. *See* N.C. Gen. Stat. § 14-202.3. But law-enforcement officers have trouble finding and identifying individual acts of solicitation due to the volume of traffic on social-networking platforms and the reluctance of many children to report such acts. *See* Whiting, *supra*. A sex-trafficker might solicit hundreds of minors on social-networking platforms and remain uncaught until he is found prostituting his victims. *See supra* at 11-12. Section 202.5 provides law enforcement with a critical tool to prevent these offenders from gaining such easy access to their victims in the first place.

And, yes, parents and children should take affirmative actions to protect themselves against the risk that sex offenders will seek to access their personal information online. *See* Pet. Br. 51. But North Carolina does not have to blind itself to the practical reality that (a) they often do not (*see supra* at 7-9), and (b) even if they do undertake such measures, those measures may prove ineffective. A lurking social-networking user can gather information on a child whether or not that child has a parent's permission to be online.[4] And the children most at risk may not have the tools to protect themselves: those most vulnerable to abuse online are children with a history of "sexual or physical abuse, parental conflict,

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[4] Indeed, strangers can do much worse even to a child who is in the immediate physical presence of a parent. The Brookings Institution report on sextortion highlights the case of a 30-year-old offender who persuaded a 13-year-old girl to strip naked in front of her webcam—while her mother was in the room—on the pretense that she was changing clothes. *See* Wittes et al., *supra*, at 22-23.

substance use, low caregiver bonding, depression, [and] sexual aggression." Boyd, *supra*, at 124. Social-networking platforms have given those who would abuse children broad access to information useful for identifying and targeting such at-risk teens. Section 202.5 reasonably seeks to restrict that access.

CONCLUSION

For the foregoing reasons, and those set forth in Respondent's brief, the judgment of the Supreme Court of North Carolina should be affirmed.

Respectfully submitted,

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